

PTO/SB/51 (07-03)

Approved for use through 01/31/2004, OMB 0851-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REISSUE APPLICATION DECLARATION BY THE INVENTOR**

Docket Number (Optional)

1390-9CON

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 5,882,350, granted March 16, 1999 and for which a reissue patent is sought on the invention entitled POLYAXIAL PEDICLE SCREW HAVING A THREADED AND TAPERED COMPRESSION

the specification of which

☐ is attached hereto.☒ was filed on November 13, 2001 as reissue application number 09/992,612

and was amended on November 13, 2001, January 28, 2003, October 6, 2003 & by Amendment filed herewith.  
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

As one instance of claiming less than we had a right to claim, claim 1 as issued required the socket portion to include an "interior volume expandable and contractable." The limitation that the "interior volume" be "contractable" is unnecessary.

All errors are being corrected in the present reissue application up to the filing of the declaration arose without any deceptive intention on the part of the applicants.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

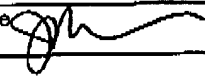
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PTO/SB/31 (07-03)

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<b>(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)</b>				<b>Docket Number (Optional)</b> 1390-9CON	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.					
Note: To appoint a power of attorney, use form PTO/SB/81.					
Correspondence Address: Direct all communications about the application to:					
<input type="checkbox"/> Customer Number: <input type="text"/>					
<b>OR</b>					
<input checked="" type="checkbox"/> Firm or Individual Name	Carter, DeLuca, Farrell & Schmidt LLP				
Address	445 Broadhollow Road - Suite 225				
Address					
City	Melville	State	NY	Zip	11747
Country	US				
Telephone	631-501-5700	Fax	631-501-3526		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.					
Full name of sole or first inventor (given name, family name)		James D. Ralph			
Inventor's signature		Date			
Residence 110 N St., Seaside Park, NJ 08752		Citizenship US			
Mailing Address PO Box 99, Seaside Park, NJ 08752					
Full name of second joint inventor (given name, family name)		Stephen Tatar			
Inventor's signature		Date			
Residence 45 Upper Mountain Avenue, Montvale, NJ 07045		Citizenship US			
Mailing Address 45 Upper Mountain Avenue, Montvale, NJ 07045					
Full name of third joint inventor (given name, family name)		Joseph P. Errico			
Inventor's signature 		Date 11/15/04			
Residence 29 Deer Path Circle, Green Brook, NJ 08812		Citizenship US			
Mailing Address 29 Deer Path Circle, Green Brook, NJ 08812					
<input checked="" type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.					

[Page 2 of 2]

PTO/6B/02A (07-03)

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<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S)</b> Supplemental Sheet Page <u>3</u> of <u>3</u>
--------------------	--

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Thomas J.		Emico	
Inventor's Signature <i>Thomas Emico</i>		Date 11/18/04	
Residence: City	Summit	State	NJ
		Country	US
Citizenship US			
Mailing Address 5 Crest Acre Court			
Mailing Address			
City	Summit	State	NJ
		Zip	07901
		Country	US
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
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Inventor's Signature			
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		Country	
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		Country	
Citizenship			
Mailing Address			
Mailing Address			
City		State	
		Zip	
		Country	

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If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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<b>REISSUE APPLICATION DECLARATION BY THE INVENTOR</b>	Docket Number (Optional) <b>1390-9CON</b>
<p>I hereby declare that:          Each inventor's residence, mailing address and citizenship are stated below next to their name.          I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed          in patent number <u>5,882,350</u>, granted <u>March 16, 1999</u> and for which a          reissue patent is sought on the invention entitled <u>POLYAXIAL PEDICLE SCREW HAVING A THREADED</u>  <u>AND TAPERED COMPRESSION</u>          the specification of which</p> <p><input type="checkbox"/> is attached hereto.</p> <p><input checked="" type="checkbox"/> was filed on <u>November 13, 2001</u> as reissue application number <u>09/992,612</u>          and was amended on <u>November 13, 2001, January 28, 2003, October 6, 2003 &amp; by Amendment filed herewith.</u>          (If applicable)</p> <p>I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.          I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.</p> <p><input type="checkbox"/> I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.</p> <p>I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)</p> <p><input type="checkbox"/> by reason of a defective specification or drawing.</p> <p><input checked="" type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent.</p> <p><input type="checkbox"/> by reason of other errors.</p> <p>At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:</p> <p style="padding-left: 40px;">As one instance of claiming less than we had a right to claim, claim 1 as issued required the socket portion to include an "interior volume expandable and contractable." The limitation that the "interior volume" be "contractable" is unnecessary.</p> <p style="padding-left: 40px;">All errors are being corrected in the present reissue application up to the filing of the declaration arose without any deceptive intention on the part of the applicants.</p>	

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional) 1390-9CON	
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Note: To appoint a power of attorney, use form PTO/SB/81.			
Correspondence Address: Direct all communications about the application to:			
<input type="checkbox"/> Customer Number:			
OR			
<input checked="" type="checkbox"/> Firm or Individual Name	Carter, DeLuca, Farrell & Schmidt LLP		
Address	445 Broadhollow Road - Suite 225		
Address			
City	Melville	State	NY Zip 11747
Country	US		
Telephone	631-501-5700	Fax	631-501-3526
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.			
Full name of sole or first inventor (given name, family name)		James D. Ralph	
Inventor's signature	Date		
Residence 110 N St., Seaside Park, NJ 08752	Citizenship US		
Mailing Address PO Box 99, Seaside Park, NJ 08752			
Full name of second joint inventor (given name, family name)		Stephen Tatar	
Inventor's signature	Date 11/16/04		
Residence 45 Upper Mountain Avenue, Montvale, NJ 07045	Citizenship US		
Mailing Address 45 Upper Mountain Avenue, Montvale, NJ 07045			
Full name of third joint inventor (given name, family name)		Joseph P. Errico	
Inventor's signature	Date		
Residence 29 Deer Path Circle, Green Brook, NJ 08812	Citizenship US		
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**DECLARATION****ADDITIONAL INVENTOR(S)**  
Supplemental SheetPage 3 of 3

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Thomas J.		Errico	
Inventor's Signature		Date	
Residence: City	Summit	State	NJ
Country	US	Citizenship	US
Mailing Address 5 Crest Acre Court			
Mailing Address			
City	Summit	State	NJ
Zip	07901	Country	US
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OR					
<input checked="" type="checkbox"/> Firm or Individual Name	Carter, DeLuca, Farrell & Schmidt LLP				
Address	445 Broadhollow Road - Suite 225				
Address					
City	Melville	State	NY	Zip	11747
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Telephone	631-501-5700	Fax	631-501-3526		
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Inventor's signature		Date 11/29/04			
Residence 110 N St., Seaside Park, NJ 08752		Citizenship US			
Mailing Address PO Box 99, Seaside Park, NJ 08752					
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